

1                                   **UNITED STATES DISTRICT COURT**  
2                                   **DISTRICT OF NEVADA**

3       ROBERT BERMAN,

4                                   Petitioner,

5       v.

6       STATE OF NEVADA, *et al.*,

7                                   Respondents.

Case No.: 2:21-cv-01359-APG-BNW

**ORDER**

8  
9           Robert Berman, an individual incarcerated at Nevada's High Desert State Prison, has  
10 submitted an application to proceed *in forma pauperis* (ECF No. 1) and a petition for writ of  
11 habeas corpus challenging a state-court criminal conviction (ECF No. 1-1).

12           In light of the information provided in the *in forma pauperis* application, I find that  
13 Berman is able to pay the \$5 filing fee for this action. I will, therefore, deny Berman's *in forma*  
14 *pauperis* application. I will grant Berman time to either pay the filing fee or file a new *in forma*  
15 *pauperis* application.

16           Berman's petition for writ of habeas corpus is not on the form required by this Court. *See*  
17 LSR 3-1. I will grant Berman time to submit an amended petition for writ of habeas corpus on  
18 the required form.

19           I will screen Berman's petition, pursuant to Rule 4 of the Rules Governing Section 2254  
20 Cases in the United States District Courts, after Berman submits an amended petition on the  
21 required form and either pays the \$5 filing fee or reapplies for and is granted *in forma pauperis*  
22 status.

23

1 I THEREFORE ORDER that Petitioner's Application to Proceed *in Forma Pauperis*  
2 **(ECF No. 1) is DENIED**. Petitioner will have 60 days from the date of this order to either:  
3 (1) have the filing fee of five dollars (\$5) sent to the Clerk of the Court, with indication that the  
4 payment is for the filing fee in this action (Case No. 2:21-cv-01359-APG-BNW), or (2) file a  
5 new Application to Proceed *in Forma Pauperis*.

6 I FURTHER ORDER that Petitioner will have 60 days from the date of this order to file  
7 an Amended Petition for Writ of Habeas Corpus, using the form provided by this Court.

8 I FURTHER ORDER that if Petitioner fails to comply with this order this action will be  
9 dismissed.

10 I FURTHER ORDER that the Clerk of the Court is directed to send to Petitioner, with a  
11 copy of this order, two copies of the form for an Application to Proceed *in Forma Pauperis* for  
12 Inmate, two copies of the form for a Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C.  
13 § 2254, and two copies of Petitioner's original Petition for Writ of Habeas Corpus (ECF No.  
14 1-1).

15 Dated: July 21, 2021

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19 ANDREW P. GORDON  
20 UNITED STATES DISTRICT JUDGE  
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